

Notice of Allowability	Application No.	Applicant(s)	
	09/068,804	MILLER, SAMUEL I.	
	Examiner	Art Unit	
	Padmavathi v Baskar	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/5/04.
2. ☒ The allowed claim(s) is/are 47, 48, 46, 49-51, 53, 54, 52, 55-57, 59, 60, 58, 61-63, 65, 66, 64, 67-69, 71, 72, 70, 73-75, 77, 78, 76, 79-81, 83, 82, 84-95, 17 and 18 have been renumbered as 1-52 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Amendment

1. Applicant's amendment filed on 2/5/04 is entered.

Status of Claims

2. Claims 46, 47, 52-54, 58-60, 64, 65, 70-72, 76, 77, 82-83, 87-90, and 92-95 have been amended.

Claims 17-18, and 46-95 are pending in the application.

Rejections withdrawn

3. In view of amendment to the claims, the rejection of claims 46, 52, 58, 64, 70, 76 and 82, under 35 U.S.C. 102(b) as being clearly anticipated by Boehringer Mannheim Biochemicals (1991 Catalog page 557), Stratagene (1991 Product Catalog, page 66), Gibco BRL (Catalogue & Reference Guide 1992, page 292), Promega (1993/1994 Catalog, pages 90-91) or New England BioLabs (Catalog 1986/1987, pages 60- -62) is withdrawn.

4. In view of amendment to the claims, the rejection of claims 47-48, 53-54, 59-60, 65-66, 71- 72, 77-78, 83, 87 and 90-95 under 35 U.S.C. 102(b) as being clearly anticipated by Groisman et al 1993 (The EMBOjournal 3779-3789) is withdrawn.

5. In view of amendment to the claims, the rejection of claims 47-48, 53-54, 59-60, 65-66, 71- 72, 77-78, 83, 87 and 90-95 under 35 U.S.C. 102(a) as being clearly anticipated by Collazo et al 1995 (Molecular Microbiology, 15(1), 25-38) is withdrawn.

Objection withdrawn

6. In view of amendment to the base claims, the objection of claims 49-51, 55-57, 61-63, 67-69, 73-75, 79-81, 84-86, 88-89 and 91 as being dependent upon a rejected base claims is withdrawn.

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Remarks

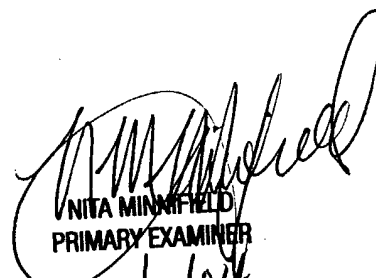
7. Claims 47, 48, 46, 49-51, 53, 54, 52, 55-57, 59, 60, 58, 61-63, 65, 66, 64, 67-69, 71, 72, 70, 73-75, 77, 78, 76, 79-81, 83, 82, 84-95, 17 and 18 are allowed and have been renumbered as 1- 52 respectively.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Padma Baskar Ph.D.

5/3/04


NITA MINNIFIELD
PRIMARY EXAMINER
5/3/04